



March 11, 2005

Hello once again from Olympia. The 59th Legislature has just completed its ninth week of the 2005 session. Week 10 starts on Monday, March 14.

This week, the Senate has spent many hours each day in floor sessions in which other senators and I have debated and voted on bills that survived the committee process. This will go on until the 5 p.m. floor cutoff deadline next Wednesday (March 16). After that, we will return to "committee mode" and focus on bills passed by the House.

ELECTION CHALLENGE UPDATE

On March 3, the state Republican Party released the names of 1,135 felons and 45 dead people who illegally cast ballots in the contested 2004 governor's race. On March 8, working from an earlier list of 105 names of possible felons who voted illegally generated by the *Seattle Times*, King County Prosecutor Norm Maleng confirmed 99 voted without having their civil rights restored and said he'll move to revoke their voter registrations. Felons can be convicted of voting illegally, but Maleng said it may be hard to prove they did so knowingly. Still, the results of his investigation can become part of the factual record in the election challenge before Judge Bridges. Maleng said he will now investigate the new list supplied by the state Republican Party. Nearly 900 on that list are from King County. With only a 129-vote margin for Gregoire out of nearly 2.9 million votes cast statewide, the number of illegal votes identified is significant. Judge Bridges has not yet set a trial date.

Poll shows more Washington voters think Rossi won governor's race

A recent poll of Washington voters shows **44 percent think Dino Rossi won**; 42 percent think Christine Gregoire won; and 15 percent said they don't know. (Rasmussen Reports completed 500 telephone interviews of likely Washington voters on February 22.)

ELECTION REFORM UPDATE

The Senate worked hard this week to make sure several important election reforms were adopted, including several recommended by the Election Reform Task Force.

Bills Approved by the Senate

1. SB 5744 – allows a county council or commission to permit the county auditor to conduct elections entirely by mail. (*The Task Force recommended retaining local authority to conduct elections by mail.*)
 2. SSB 5395 – requires electronic voting devices to produce a paper trail. (*Task Force recommendation*)
 3. SB 5564 – requires an easy-to-understand manual to be used by election workers during vote counting, recounting, tabulation and canvassing.
 4. SB 5565 – improves ballots for military and overseas voters. (*Task Force recommendation*)
 5. SSB 5743 – provides for a unified data base of voters to comply with the Help America Vote Act.
- Republican floor amendments adopted require:

- Voter vault verification technicians to randomly investigate voter registration rolls to keep the state's rolls clean. The Task Force recommended improvements to voter registration record keeping.
- Voter registration lists to be checked by Immigration and Naturalization Services to identify noncitizen voters. The Task Force recommended stronger enforcement of voter fraud.
- Licensing agents in the state's "Motor Voter" program to ask newly registered voters if they are citizens of the United States; and
- Adding a military voter box on voter registration forms so auditors will be better able to ensure military personnel receive ballots in a timely manner.

BUDGET TIDBITS...JUST THE FACTS

Sen. Joe Zarelli, the ranking Republican on the Senate Ways and Means Committee writes a weekly piece about the state operating budget called "Budget Tidbits...just the facts." This week, Sen. Zarelli is focusing on tobacco securitization. For more information, go to www.src.wa.gov and click on "Budget Tidbits...just the facts, 9th Edition."

AGENDA FOR WASHINGTON 2005

Washington State House & Senate Republicans: Moving Washington Forward

SENATE AUTHORIZES STUDY OF LESS EXPENSIVE HEALTH CARE OPTION FOR STATE EMPLOYEES

Government-funded health care costs are rising at a rate of 11 percent annually. The skyrocketing cost of health care coverage contributed to the state's revenue shortfall in the last biennium and is part of the \$2.2 billion shortfall projected for the 2005-07 biennium. **Senate Bill 5202 is a bill that I've prime-sponsored this session.** As originally introduced, the bill authorized Health Savings Accounts for state employees as a less expensive health care coverage option. However, the bill was changed in the Senate Ways & Means Committee to a study -with a report due to the Legislature by December 1, 2005. Health Savings Accounts (HSAs) were created in 2003 by the federal Medicare Modernization Act. HSAs allow individuals to pay for current health expenses and save for future medical and retiree health expenses on a tax free basis — similar to an IRA. HSAs must include a high-deductible, catastrophic health care plan. Contributions to HSAs are deductible from a person's income tax obligation and contributions by employers are not taxable to the employee. This measure is now before the House of Representatives.

SENATE APPROVES PRESCRIPTION DRUG ASSISTANCE FOUNDATION

Drug manufacturers offer free or low-cost drugs to those otherwise unable to afford them. The application processes for these programs vary and often people have to apply multiple times over the course of a year and wait until their application is processed before returning to their doctor for the medication. **Senate Bill 5558** creates a nonprofit foundation to assist low-income uninsured individuals in obtaining free or low-cost prescription drugs. Such foundations have been successful in other states. This measure is now before the House of Representatives.

SENATE PASSES BILL TO ALLOW TERMINALLY ILL STATE EMPLOYEES TO WITHDRAW FROM THEIR RETIREMENT PLAN

Senate Bill 5497 allows state employees to stop paying into the retirement system if they are diagnosed by a doctor as having five years or less to live. With that diagnosis, and approval from the agency director, the employee may instead keep additional wages to help with assorted costs at home. This measure is now before the House of Representatives where a similar bill, **House Bill 1634**, has already been approved.



for Washington

DEMOCRATS CLEAR THE WAY TO RAISE TAXES BY MOVING BILL TO GUT I-601 OUT OF COMMITTEE

*Democrats said this week they expect to raise taxes, apparently rejecting the “priorities in government” process to balance the budget within current revenues. To clear the way for raising taxes, Senate Democrats on the Ways & Means Committee gave approval to **Senate Bill 6078**. This measure allows the Legislature to approve tax increases by a simple majority vote – instead of the two-thirds required under Initiative 601. The measure also switches the base for calculating allowable spending growth from a factor of population growth plus inflation to a personal income growth factor – a switch that allows spending to grow faster and higher.*

SENATE APPROVES BILL GIVING VICTIMS OF RAPE A SECOND CHANCE AT JUSTICE

Except for murder and crimes like arson that result in someone’s death, there is a time limit in law for filing charges. Rape is one of those crimes for which there is a “statute of limitations.” **Senate Bill 5042** changes that provision so that suspects of felony sex crimes can be charged for up to one year after DNA evidence has become available. This change in law was first adopted in California after a man was charged with rape and his DNA evidence identified him as the offender in an earlier rape. However, he could not be charged with the earlier rape because the statute of limitations on that crime had expired. This measure is now before the House of Representatives.

SENATE APPROVES BILL REQUIRING IMMEDIATE PARENTAL NOTIFICATION WHEN YOUTHS ARE TAKEN INTO CUSTODY BY LAW ENFORCEMENT

Studies have shown that most juveniles who are 14-years-old or younger, and many aged 15 to 17, do not understand their rights when taken into custody for questioning by law enforcement. **Senate Bill 5288** requires law enforcement officials to immediately make reasonable attempts to notify a parent or guardian of a youth about to be questioned in regard to a crime. The parents must be able talk to their child and a child must be told of his or her rights before questioning begins. This bill is now before the House of Representatives.

BILL REQUIRES ACCESS TO INFORMATION THAT WILL IMPROVE THE SAFETY OF CHILDREN IN ABUSE AND NEGLECT CASES

Child fatality review teams have consistently found that the communication of relevant information to all persons involved in a child abuse or neglect case is very poor. Good decisions on behalf of a child depend on good information. **Senate Bill 5666** requires that information must be shared in its entirety with caseworkers, caseworker supervisors, courts, child protection team members, guardians ad litem, parents and counsel involved in a case. The Senate unanimously approved SB 5666 and it is now before the House of Representatives.

HEALTH CARE COMMITTEE APPROVES STATEWIDE PARTIAL SMOKING BAN

The Senate Health & Long-Term Care Committee approved a bill allowing businesses to designate smoking areas if separate from nonsmoking areas. **Senate Bill 5909** protects business establishments that have already voluntarily designated nonsmoking areas, but ultimately leaves it up to the business to determine if it wants the entire establishment to be completely nonsmoking. The bill also requires employers to notify prospective employees if smoking is allowed and requires that no one under the age of 18 be permitted in a designated smoking area. This bill is important to such small businesses at mini-casinos, bingo parlors, bowling alleys and taverns. Constituents have called my office on this bill.

SENATE OKAYS BILL TO ALLOW TRAPPING OF MOLES AND PREDATORY ANIMALS

The Senate approved a bill to bring balance to the issue of trapping animals that threaten human safety, damage property and kill livestock. **Senate Bill 5319** makes changes to Initiative 713, a measure approved in 2001 to outlaw the use of body-gripping traps. SB 5319 makes it legal for people to trap nuisance animals like moles and gophers. Other uses of body-gripping traps are by permit only and may be issued by the Department of Fish and Wildlife to prevent damage or injury to property or resources or to protect human health and safety. Recreational trapping is still illegal. Pelts, other than from nuisance animals, may not be sold unless an animal was trapped under a permit. The Fish and Wildlife Commission is directed to adopt rules regarding types of traps, time intervals for checking traps and the use of bait. The rules may not allow the use of traps with teeth or serrated edges or any spring pole device. The bill is now before the House of Representatives.

NEW LAW REQUIRES HEALTH PLANS TO EQUALLY COVER MENTAL HEALTH SERVICES

The Governor signed a new law to require equal insurance coverage for mental and physical illnesses. The measure will eventually cost the state about \$8 million a year in extra coverage for state employees and low-income enrollees in the state's Basic Health Plan. It will also increase premiums for many Washington residents, from one to five percent. However, the new law won't be fully implemented until July 2010. The mandate does not apply to businesses with 50 or fewer employees, self-insured companies or individual health care plans. Supporters of the new law say mental health coverage and treatment will eventually save the state and businesses money by reducing absenteeism, crime and other problems caused by untreated mental illness. **(House Bill 1154)**

SENATE PASSES BILL TO STOP UNFAIR INSPECTION FEES FOR PRIVATE HAZARD DAMS

The Senate passed a measure to encourage hazard dams that improve water storage and flood control, provide wetlands and habitat, and protect rivers from silt and soil erosion and it is now in the House of Representatives. **Senate Bill 5528** prohibits the state Department of Ecology from charging an annual inspection fee -- now \$800 -- for structures built less than 10 years ago with its plans and specifications approved for safety by the department. For dams older than 10 years, the inspection fee is reduced to \$250.

SUPREME COURT HEARS ARGUMENTS ON DEFENSE OF MARRIAGE ACT

On March 8, the Washington State Supreme Court heard oral arguments regarding the constitutionality of Washington's Defense of Marriage Act approved in 1998. This law defines marriage as a union between one man and one woman and does not allow persons of the same gender to marry. Supporters argued the children are best served in a traditional family with a mother and father. Thousands of people gathered in front of the Temple of Justice in support of traditional marriage. I had the privilege of meeting with about 40 constituents from the 12th District that attended the rally. The Court's decision is not expected until late spring.

STATEWIDE DROUGHT EMERGENCY DECLARED

On March 10, Governor Gregoire declared a statewide drought emergency and asked the Washington National Guard to prepare for combating wildfires. What triggers a drought emergency? The River Forecast Center for the Columbia Basin issues a river flow forecast for April through September. Certain actions follow certain forecasts. The latest forecast is at the level to trigger voluntary conservation and is only slightly above the measurement that would trigger the loss of some water rights. Because of our dry winter, drought conditions are expected to be worse than in 1977. In some places, rainfall has only reached 15 percent of average and the state's mountain snowpack is only 26 percent of average. During a drought declaration, the Department of Ecology focuses on maintaining crucial energy supplies; aiding agriculture; protecting public water supplies; safeguarding stream flows for fish; and preparing to fight forest fires.

DEPARTMENT OF AGRICULTURE SCHEDULES THE EASTERN WASHINGTON PESTICIDE ROUND-UP

March 18 is the deadline for signing up for the free disposal events scheduled for seven collection sites from April 19 through April 29. Pesticides accepted include insecticides, herbicides, fungicides, rodenticides, and most chemicals that kill, repel or prevent unwanted pests. Empty containers and other waste such as fertilizers will not be accepted. To sign up call (360) 902-2056 or toll free 877-301-4555 or sign up online at wastepesticide@agr.wa.gov.

April 19 – near Spokane
April 20 – Ritzville
April 21 – Othello
April 26 – Pullman
April 27 – Saint John
April 28 – Dayton
April 29 - Pasco

SUPERINTENDENT OF PUBLIC INSTRUCTION ANNOUNCES NEW SCHOLARSHIP OPPORTUNITY FOR HIGH SCHOOL JUNIORS AND SENIORS

The State Farm Companies Foundation is providing \$1,000 scholarships to five public high school junior and seniors who are working on a culminating project. Culminating projects, also known as senior or graduation projects, require students to meet a need in their community through collaboration with community partners. Beginning with the class of 2008, a culminating project will be a new statewide graduation requirement. The Foundation will also provide two \$500 awards to a school or teacher and a community group or individual who has meaningfully guided and assisted students through their culminating project.

LISTEN TO WEEKLY LEGISLATIVE UPDATES ON RADIO EVERY FRIDAY MORNING

Here is another reminder that Reps. Mike Armstrong and Cary Condotta and I get together every Friday morning to talk live with local radio stations about what is happening in the Legislature. These weekly radio shows allow listeners to learn more about the legislative session. (We also do a weekly call-in to the Wenatchee Valley Chamber of Commerce on Fridays from 7:30 to 8 a.m.) If you haven't listened to these radio updates and want to tune in, here is the Friday morning radio schedule:

7:15-7:30 a.m., KOHO (FM 101.1)

8 a.m.-8:30 a.m., KPQ (AM 560)

8:30 a.m.-9 a.m., KOZI (AM 1230/FM 93.5)

WATCH LEGISLATIVE VIDEO UPDATES ON CNN HEADLINE NEWS

I also want to remind you to watch my legislative video updates on the CNN Headline News channel in the Wenatchee area. These updates are roughly five minutes long and are aired occasionally at the top of the hour daily. Reps. Armstrong and Condotta also have video updates on Headline News. Watching these updates is another good way to learn what is happening in Olympia.

That wraps it up for this week. I appreciate your feedback. See you next week!

Legislative toll free hotline: 1-800-562-6000

TTY: 1-800-635-9993

Senate Republican Web site: www.src.wa.gov

Legislature's Web site: <http://www1.leg.wa.gov/legislature>